

SCHEDULE 5

regulation 9(h), 10(k) and 11(2)

Commonhold information

Required commonhold documents

- 1.—(1) Subject to sub-paragraph (2), the documents referred to in regulation 9(h)(i) are—
- (a) an official copy of such of the following documents as are kept by the Chief Land Registrar—
 - (i) the individual register and title plan relating to the common parts; and
 - (ii) the commonhold community statement referred to in that register;
 - (b) except where they are described in the commonhold community statement, such regulations or rules as are made for the purposes of managing the commonhold by—
 - (i) the commonhold association;
 - (ii) such managing agents as are appointed, or proposed for appointment by the commonhold association to manage the commonhold; or
 - (iii) such other persons as manage or are likely to manage the commonhold, and their predecessors (if any); and
 - (c) the most recent requests for payment or financial contribution where made in respect of the property, relating to the 12 months preceding the first point of marketing, towards such of the following as are relevant to the property—
 - (i) commonhold assessment;
 - (ii) reserve funds;
 - (iii) insurance against damage for the common parts (if made separately to the requests relating to commonhold assessment included under sub-paragraph (i)); and
 - (iv) insurance for any person in respect of personal injury or death caused by or within the common parts (if made separately to the requests relating to commonhold assessment included under sub-paragraph (i)).
- (2) Except for the documents specified in sub-paragraph (1)(a), the documents required by that sub-paragraph are only those which are in the seller's possession, under his control or to which he can reasonably be expected to have access, taking into account the enquiries that it would be reasonable to make of—
- (a) the unit-holder (unless the seller is the unit-holder); and
 - (b) the persons described in sub-paragraph (1)(b) and their predecessors (if any).

Required commonhold information

- 2.—(1) Subject to sub-paragraph (2), the matters referred to in regulation 9(h)(ii) are—
- (a) the names and addresses of—
 - (i) such managing agents as are appointed, or proposed for appointment by the commonhold association to manage the commonhold; and
 - (ii) such other persons as manage or are likely to manage the commonhold;
 - (b) such amendments as are proposed to the following—
 - (i) the commonhold community statement; and
 - (ii) the regulations or rules described in paragraph 1(1)(b); and

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- (c) a summary of such works as are being undertaken or proposed, affecting the property or the common parts.
- (2) The information required by sub-paragraph (1) is only that which the seller can reasonably be expected to be aware of, taking into account the enquiries that it would be reasonable to make of—
 - (a) the unit-holder (unless the seller is the unit-holder); and
 - (b) the persons described in paragraph 1(1)(b) and their predecessors (if any).

Authorised commonhold information

- 3. The matters referred to in regulation 10(k) are—
 - (a) the commonhold community statement;
 - (b) the rights or obligations of the unit-holder under the commonhold community statement or otherwise, including whether the unit-holder has complied with such obligations;
 - (c) the rights or obligations of the commonhold association under the commonhold community statement or otherwise, including whether it has complied with such obligations;
 - (d) the commonhold association and any information that might affect the unit-holder's relationship with it;
 - (e) any agent of the commonhold association or other manager of the property and any information that might affect the unit-holder's relationship with such persons;
 - (f) the membership of the commonhold association;
 - (g) the status or memorandum and articles of association of any company related to the management of the property or the commonhold;
 - (h) any commonhold assessment payable for the property, including whether payments for such assessment are outstanding;
 - (i) any reserve fund levy relating to the property or the commonhold, including whether payments for such levies are outstanding;
 - (j) any planned or recent works relating to the property or the commonhold;
 - (k) responsibility for insuring the property or the commonhold, including the terms of such insurance and whether payments relating to it are outstanding; and
 - (l) any lease⁽¹⁾ or licence relating to the property.

Creation of commonhold interests

- 4. The matters referred to in regulation 11(2)(e) are—
 - (a) the terms of the commonhold community statement that will or is expected to apply in relation to the property interest once it has been registered as a freehold estate in commonhold land; and
 - (b) estimates of the payment or financial contribution likely to be required of the unit-holder within 12 months of completion of the sale of the property interest towards—
 - (i) commonhold assessment;
 - (ii) reserve funds;
 - (iii) insurance against damage for the common parts (if not to be included in contributions towards commonhold assessment); and

(1) In this case, "lease" does not only mean a long lease - see regulation 3(1).

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- (iv) insurance for any person in respect of personal injury or death caused by or within the common parts (if not to be included in contributions towards commonhold assessment).